

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

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KC FILED
JAN 31 2007
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

Arthur D. Schutz)
)
)
)
)
(Name of the plaintiff or plaintiffs))

CIVIL ACTION

v.

A. G. Edwards & Sons, Inc.)
)
)
)
)
(Name of the defendant or defendants))

07CV617
JUDGE KENNELLY
MAGISTRATE JUDGE ASHMAN

COMPLAINT OF EMPLOYMENT DISCRIMINATION

1. This is an action for employment discrimination.

2. The plaintiff is Arthur D. Schutz of the
county of DuPage in the state of Illinois.

3. The defendant is A. G. Edwards & Sons, Inc., whose
street address is One North Jefferson Avenue,
(city) St. Louis (county) Jefferson (state) Missouri (ZIP) 63103
(Defendant's telephone number) (314) - 955-3000

4. The plaintiff sought employment or was employed by the defendant at (street address)

222 South Riverside Plaza, Suite 300 (city) Chicago
(county) Cook (state) Illinois (ZIP code) 60606

5. The plaintiff [*check one box*]

- (a) ☐ was denied employment by the defendant.
(b) ☒ was hired and is still employed by the defendant.
(c) ☐ was employed but is no longer employed by the defendant.

6. The defendant discriminated against the plaintiff on or about, or beginning on or about,

(month) January, (day) 1, (year) 1997.

7.1 (*Choose paragraph 7.1 or 7.2, do not complete both.*)

(a) The defendant is not a federal governmental agency, and the plaintiff [*check*

one box] ☐ *has not* filed a charge or charges against the defendant
☒ *has*

asserting the acts of discrimination indicated in this complaint with any of the following government agencies:

- (i) ☒ the United States Equal Employment Opportunity Commission, on or about
(month) November (day) 29 (year) 2004.
(ii) ☐ the Illinois Department of Human Rights, on or about
(month) _____ (day) _____ (year) _____.

(b) If charges *were* filed with an agency indicated above, a copy of the charge is

attached. ☒ YES. ☐ NO, but plaintiff will file a copy of the charge within 14 days.

It is the policy of both the Equal Employment Opportunity Commission and the Illinois Department of Human Rights to cross-file with the other agency all charges received. The plaintiff has no reason to believe that this policy was not followed in this case.

7.2 The defendant is a federal governmental agency, and

(a) the plaintiff previously filed a Complaint of Employment Discrimination with the defendant asserting the acts of discrimination indicated in this court complaint.

☐ Yes (month) _____ (day) _____ (year) _____

☐ No, did not file Complaint of Employment Discrimination

(b) The plaintiff received a Final Agency Decision on (month) _____
(day) _____ (year) _____.

(c) Attached is a copy of the

(i) Complaint of Employment Discrimination,

☐ YES ☐ NO, but a copy will be filed within 14 days.

(ii) Final Agency Decision

☐ YES ☐ NO, but a copy will be filed within 14 days.

8. (Complete paragraph 8 only if defendant is not a federal governmental agency.)

(a) ☐ the United States Equal Employment Opportunity Commission has not issued
a *Notice of Right to Sue*.

(b) ☒ the United States Equal Employment Opportunity Commission has issued a
Notice of Right to Sue, which was received by the plaintiff on
(month) November (day) 4 (year) 2006 a copy of which
Notice is attached to this complaint.

9. The defendant discriminated against the plaintiff because of the plaintiff's [*check only those that apply*]:

(a) ☒ Age (Age Discrimination Employment Act).

(b) ☐ Color (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).

- (c) ☒ Disability (Americans with Disabilities Act or Rehabilitation Act)
- (d) ☐ National Origin (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (e) ☐ Race (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (f) ☐ Religion (Title VII of the Civil Rights Act of 1964)
- (g) ☐ Sex (Title VII of the Civil Rights Act of 1964)

10. If the defendant is a state, county, municipal (city, town or village) or other local governmental agency, plaintiff further alleges discrimination on the basis of race, color, or national origin (42 U.S.C. § 1983).

11. Jurisdiction over the statutory violation alleged is conferred as follows: for Title VII claims by 28 U.S.C. §1331, 28 U.S.C. §1343(a)(3), and 42 U.S.C. §2000e-5(f)(3); for 42 U.S.C. §1981 and §1983 by 42 U.S.C. §1988; for the A.D.E.A. by 42 U.S.C. §12117; for the Rehabilitation Act, 29 U.S.C. § 791.

12. The defendant [*check only those that apply*]

- (a) ☐ failed to hire the plaintiff.
 - (b) ☐ terminated the plaintiff's employment.
 - (c) ☐ failed to promote the plaintiff.
 - (d) ☐ failed to reasonably accommodate the plaintiff's religion.
 - (e) ☒ failed to reasonably accommodate the plaintiff's disabilities.
 - (f) ☒ failed to stop harassment;
 - (g) ☒ retaliated against the plaintiff because the plaintiff did something to assert rights protected by the laws identified in paragraphs 9 and 10 above;
 - (h) ☐ other (specify): _____
-

13. The facts supporting the plaintiff's claim of discrimination are as follows:

Plaintiff Arthur, alleges that over a number of years,
employees, agents and officers of defendant company
have engaged in a pattern and practice of willful and
malicious discriminatory acts towards him, based
on his disabilities and age, which is now sixty-nine (69).
"See additional page"

14. **[AGE DISCRIMINATION ONLY]** Defendant knowingly, intentionally, and willfully discriminated against the plaintiff.

15. The plaintiff demands that the case be tried by a jury. ☒ YES ☐ NO

16. THEREFORE, the plaintiff asks that the court grant the following relief to the plaintiff
[check only those that apply]

- (a) ☐ Direct the defendant to hire the plaintiff.
(b) ☐ Direct the defendant to re-employ the plaintiff.
(c) ☐ Direct the defendant to promote the plaintiff.
(d) ☐ Direct the defendant to reasonably accommodate the plaintiff's religion.
(e) ☒ Direct the defendant to reasonably accommodate the plaintiff's disabilities.
(f) ☒ Direct the defendant to (specify): Not engage in any acts
of retaliation or discrimination against him in the future.

Item 13, continued:

Plaintiff Arthur alleges that in October 2004, he made requests that defendant company, A.G. Edwards make reasonable accommodations to assist him in light of his disabilities, but was wrongfully denied same.

Plaintiff Arthur alleges that as a direct and proximate result of defendant's discriminatory acts committed against him, he has sustained, is sustaining and will sustain in the future, loss of income and great physical and emotional harm, including depression, embarrassment and anxiety.

(g) ☒ If available, grant the plaintiff appropriate injunctive relief, lost wages, liquidated/double damages, front pay, compensatory damages, punitive damages, prejudgment interest, post-judgment interest, and costs, including reasonable attorney fees and expert witness fees.

(h) ☒ Grant such other relief as the Court may find appropriate.

(Plaintiff's signature)

Arthur D. Schertz

(Plaintiff's name)

Arthur D. Schertz

(Plaintiff's street address)

276 E. Saint Charles Rd

(City) Elmhurst (State) IL (ZIP) 60126

(Plaintiff's telephone number) (630) 530-4003

Date:

January 31, 2007

CHARGE OF DISCRIMINATION

Charge Presented To:

Agency(ies) Charge No(s):

File this form with the EEOC, the State or local agency, or both. See instructions on the back of this form for more information. Do not file this form with the EEOC if you are filing a charge with the State or local agency only.

210-2005-01171

Illinois Department Of Human Rights

and EEOC

State or local Agency, if any

Name (Indicate Mr., Ms., Mrs.)

Arthur Schutz

Home Phone No. (incl Area Code)

(630) 530-4003

Date of Birth

09-09-1937

Street Address

City, State and ZIP Code

276 E. St. Charles Road

Elmhurst, IL 60126

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

A.G. EDWARDS & SONS INC

No. Employees, Members

500 or More

Phone No. (Include Area Code)

(312) 648-5200

Street Address

City, State and ZIP Code

222 S. Riverside Plaza

Chicago, IL 60606

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es))

☐ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGIN
☐ RETALIATION ☒ AGE ☒ DISABILITY ☐ OTHER (Specify below:)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

01-01-1997

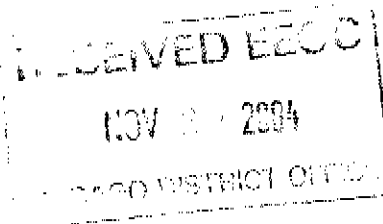
11-29-2004

☒ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I began employment with Respondent in January 1987. My current position is Financial Consultant. I have multiple disabilities of which Respondent is aware. Beginning in 1997 and continuing to the present, I have been subjected to harassment in that the Vice President has made derogatory comments about my age and my disabilities. In October, 2004, I requested a reasonable accommodation which, to date, has not been addressed.

I believe I have been discriminated against because of my age, 67 (DOB 9-4-1937), in violation of the Age Discrimination in Employment Act of 1967, as amended. I believe I have also been discriminated against because of my disabilities in violation of the Americans with Disabilities Act of 1990.



I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - When necessary for State and Local Agency Requirements

I declare under penalty of perjury that the above is true and correct.

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

Nov 29, 2004

Date

Charging Party Signature

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Chicago District Office

500 West Madison Street, Suite 2800
Chicago, IL 60661
(312) 353-2713
TTY (312) 353-2421
FAX (312) 353-4041

EEOC Charge Number: 210-2005-01171

Arthur Schutz
276 East St. Charles Road
Elmhurst, Illinois 60126

Charging Party

v.

A.G. Edwards & Sons, Inc.
222 South Riverside Plaza
Chicago, Illinois 60606

Respondent

DETERMINATION

Under the authority vested in me by the Commission's Procedural Regulations, I issue the following determination on the merits of the subject charge filed under the Age Discrimination in Employment Act of 1967, (ADEA), and under the Americans with Disabilities Act of 1990, (ADA).

The Respondent is an employer within the meaning of ADEA and the ADA and all requirements for coverage have been met.

The Charging Party alleged that he was discriminated against, in that Respondent subjected him to derogatory comments about his age and disabilities, and he was denied reasonable accommodations due to his disability, in violation of the ADA and the ADEA.

I have determined that the evidence obtained in the investigation establishes reasonable cause to believe that Respondent discriminated against Charging Party by subjecting him to derogatory comments about his age and disabilities, in violation of the ADA and the ADEA.

This determination is final. When the Commission finds that violations have occurred, it attempts to eliminate unlawful practices by informal methods of conciliation. Therefore, I invite the parties to join with the Commission in reaching a just resolution of this matter. Disclosure of information obtained by the Commission during the conciliation process will be made only in accordance with the Commission's Procedural Regulations (29 CFR Part 1601.26).

EEOC Charge Number: 210-2005-01171


Page 2

If the Respondent wishes to accept this invitation to participate in conciliation efforts, it may do so at this time by proposing terms for a conciliation agreement; that proposal should be provided to the Commission representative within 14 days of the date of this determination. The remedies for violations of the statutes we enforce are designed to make the identified victims whole and to provide corrective and preventive relief. These remedies may include, as appropriate, an agreement by the Respondent to not engage in unlawful employment practices, placement of identified victims in positions they would have held but for discriminatory actions, back pay, restoration of lost benefits, injunctive relief, compensatory and/or punitive damages, and notice to employees of the violation and the resolution of the claim.

Should the Respondent have further questions regarding the conciliation process or the conciliation terms it would like to propose, we encourage it to contact the assigned Commission representative. Should there be no response from the Respondent in 14 days, we may conclude that further conciliation efforts would be futile or nonproductive.

On behalf of the Commission:

September 26, 2006
Date


John P. Rowe
District Director



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Chicago District Office

500 West Madison St., Suite 2800
Chicago, IL 60661
PH: (312) 353-2713
TDD: (312) 353-2421
ENFORCEMENT FAX: (312) 886-1168
LEGAL FAX: (312) 353-8555

Arthur Schutz
276 E. St. Charles Road
Elmhurst, IL 60126

Re: Respondent: **A.G. Edwards & Sons, Inc.**
EEOC Number: **210-2005-01171**

Dear Mr. Schutz:

Attached please find Notice of Right to Sue issued on your behalf in the above referenced matter. The Commission's efforts to conciliate these matters with respondent have been unsuccessful. The Commission has determined that it will not bring a lawsuit against the respondent. By issuing the attached Notice of Right to Sue, the Commission is terminating its processing of your charge.

The attached Notice of Right to Sue entitles you to pursue private litigation concerning your allegations against respondent(s) within 90 days of your receipt of this letter. You may wish to retain a private attorney at this time. The Commission maintains a list of attorneys who have indicated an interest in pursuing cases involving employment discrimination. The list is attached for your convenience.

If you do file suit based on this Notice of Right to Sue, it is requested that you provide us with a copy of the complaint you file in court.

On behalf of the Commission:

10/31/2006
Date

John P. Rowe
John P. Rowe
District Director

Enclosures

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE -- TITLE VII / ADA/ADEA

(Conciliation Failure)

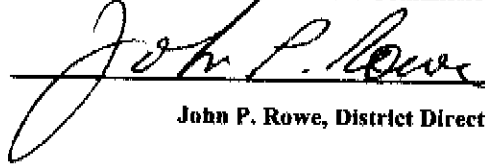
To: Arthur Schutz**276 E. St. Charles Road****Elmhurst, IL 60126****From: Equal Employment Opportunity Commission****500 West Madison Street****Suite 2800****Chicago, Illinois 60661****Certified Mail No.: 7001 0320 0005 9832 6086***On behalf of a person aggrieved whose identity is CONFIDENTIAL**(29 C.F.R. 1601.7(a))***Charge Number****210-2005-01171****EEOC Representative****Gloria Mayfield, Investigator****Telephone Number****(312) 353-0906****(See the additional information attached to this form)**

The Commission has found reasonable cause to believe that your charge of employment discrimination is true but has not entered into a conciliation agreement to which you are a party because attempts to achieve such a voluntary settlement with respondent(s) have been unsuccessful.

The Commission has determined that it will not bring a civil action against the respondent(s) and accordingly is issuing this Notice of Right to Sue. With the issuance of this Notice the Commission terminates its process with respect to your charge, except that the Commission may seek status as Intervenor if you decide to sue on your own behalf as described below.

If you want to pursue your charge further, you have the right to sue the respondent(s) named in your charge in a court of competent jurisdiction. **IF YOU DECIDE TO SUE, YOU MUST DO SO WITHIN NINETY (90) DAYS FROM YOUR RECEIPT OF THIS NOTICE OF RIGHT TO SUE: OTHERWISE YOUR RIGHT TO SUE IS LOST.**

Your suit may include any allegation contained in your charge of employment discrimination or any matter which was or should have been discovered by the Commission during its investigation of your charge.

On Behalf of the Commission10/31/2006

John P. Rowe, District Director**Enclosures****Information sheet****cc: Respondent(s)****A.G. Edwards & Sons, Inc.**